



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 24 2005

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Barbara Kausen
488A N. Silverbell Road
Tucson, AZ 85745

Dear Ms. Kausen:

Thank you for your letter of May 23, 2005 to Administrator Johnson, in which you expressed concerns with regard to toxic waste contaminants in fertilizers, and the need for new labeling requirements on fertilizer products. I am pleased to respond on behalf of the Administrator.

The U.S. Environmental Protection Agency (EPA) has taken a good, hard look at the issue of contaminants in fertilizers, particularly fertilizers made from recycled hazardous wastes. I welcome this opportunity to convey to you some of our findings in this area, and to provide you with information on EPA's role in regulating fertilizer products.

Since the 1980's, EPA has regulated the practice of making fertilizers from recycled hazardous wastes, under the Resource Conservation and Recovery Act (RCRA). These regulations are designed to ensure that that fertilizers made from recycled hazardous wastes are good, clean, high-quality fertilizers. To our knowledge, only a few fertilizers currently on the market are made from recycled hazardous wastes. Most, if not all, of these are zinc micronutrient fertilizers, which can be made from a variety of zinc-bearing industrial waste materials, and which are applied by farmers in small amounts to grow crops such as corn, potatoes and fruit trees. EPA's regulations require that these fertilizers meet very strict limits on contaminants such as lead, cadmium, arsenic, chromium, mercury and dioxins. This means that fertilizer manufacturers must use a series of processing steps to remove these contaminants from the waste materials in order to make products that can meet the EPA standards. As a result, zinc fertilizers made from recycled hazardous wastes are among the "cleanest" fertilizers on the market, and are indistinguishable from similar products made from non-hazardous materials.

In your letter you mentioned that you are aware of recent media stories which have speculated that fertilizer manufacturers are indiscriminately blending hazardous wastes into fertilizers, and that such practices are tolerated by government regulators. The reality is that adding hazardous wastes to fertilizers as a way of simply disposing of them is illegal, and is punishable as a civil and/or criminal offense. EPA and state environmental agencies have invested substantial enforcement resources into investigating compliance with RCRA regulations by the fertilizer industry; I am pleased to say that these

investigations so far have not revealed any evidence that such "sham" recycling is a widespread practice. We strongly encourage anyone with knowledge of such wrongdoings to notify EPA or state environmental agency officials.

In your letter you also suggested that EPA should require labels on fertilizer products that list all ingredients, including any contaminants they may contain. Under RCRA, EPA only has the authority to regulate contaminants in fertilizers that are made from recycled hazardous wastes; these represent perhaps one tenth of one percent of all fertilizers used in this country. However, other types of fertilizers can contain significant levels of contaminants such as heavy metals. Since state agriculture agencies typically have much broader regulatory authority over fertilizer contents, including the authority to require labeling on fertilizer packaging, this issue can only be effectively addressed by those state agencies. Currently, the states of Washington, California, Texas and Oregon have established comprehensive regulatory programs to control contaminants in all types of fertilizer products.

Again, thank you for your correspondence. If you would like further information on EPA's regulations for hazardous waste derived fertilizers, you may wish to go to our webpage, at <http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/index.htm>. If you have any further questions on these issues, please feel free to contact Mr. David Fagan of my staff, at (703) 308-0603, or by email at fagan.david@epa.gov.

Sincerely,



Matthew Hale, Director
Office of Solid Waste